

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DASHAWN MCLENDON, : 3:16cv2109  
Plaintiff :  
: (Judge Munley)  
v. :  
: (Chief Magistrate Judge Schwab)  
JAMES HALPIN, :  
Defendant :  
.....

ORDER

**AND NOW**, to wit, this 12 day of June 2017, we have before us for disposition Chief Magistrate Judge Schwab's report and recommendation, which proposes the dismissal of plaintiff's complaint. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 17) is **ADOPTED**;
- 2) The plaintiff's complaint (Doc. 1) is **DISMISSED** in accordance with Rule 41(b) of the Federal Rules of Civil Procedure; and
- 3) The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JAMES M. MUNLEY  
United States District Court